

Appl. No. 10/652,325
Atty. Docket No. 9506
Amdt. Dated 06/27/2005
Reply to Office Action of 04/27/2005
Customer No. 27752

REMARKS

Claim Status

Claims 3 and 18 have been cancelled without prejudice. Claim 1 has been amended to incorporate the limitations presented in original claim 3. No new matter is presented in amended claim 1 by way of the current amendment. Claim 19 has been amended to require that the control system gain be adjusted according to the first web-velocity-analog value and the second web-velocity-analog value. Support for the instant amendment to claim 19 is found on page 14, lines 20-35 of the specification as originally filed. No new matter is presented in amended claim 19. Claims 1-2, 4-17, and 19 remain in the instant application and are presented for the Examiner's review in light of the above amendments and the following comments.

Allowable Subject Matter

The Examiner has indicated that claims 6-17 are allowed. Applicants thank the Examiner for this determination. Additionally, the Examiner has indicated that claim 3 would be allowable if rewritten in independent form to include all limitations of the base claim and any intervening claims. By amendment herein, Applicants have amended claim 1 to incorporate the limitations presented in original claim 3. In light of the above amendments, Applicants now believe all claims herein to be in condition for allowance.

35 U.S.C. §102 Rejection

Claims 1, 4, and 5 have been rejected under 35 U.S.C. §102(b) over Mustonen, et al., U.S. Patent No. 6,517,679 B1. Applicants traverse the instant rejection. As indicated above, Applicants have amended claim 1 to incorporate the limitations presented in original claim 3. Therefore, Applicants believe the instant rejection under 35 U.S.C. §102(b) to have been obviated. Applicants respectfully request reconsideration withdrawal of the instant rejection under 35 U.S.C. §102(b).

35 U.S.C. §103 Rejection

Claims 2, 18 and 19 have been rejected under 35 U.S.C. §103(a) over *Mustonen* in view of Hideki, et al., Japanese Patent JP 10-250888. Applicants traverse this rejection for the following reasons:

1. By amendment herein, Applicants have cancelled claim 18 thereby obviating the instant rejection to claim 18 under 35 U.S.C. §103(a).

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2. By amendment herein, Applicants have amended instant claim 1. Since claim 1 is in condition for allowance, Applicants believe the Examiner's rejection to claim 2 under 35 U.S.C. §103(a) has been obviated.
3. By amendment herein, Applicants have amended instant claim 19 to require that the control system gain be adjusted according to the first web-velocity-analog value and the second web-velocity-analog value.
4. The *Mustonen* and *Hideki* references, alone or in combination, fail to disclose, teach, or even suggest a method of controlling tension in a moving paper web material whereby the control system gain is adjusted according to the first web-velocity-analog value and the second web-velocity-analog value as required by Applicant's claim 19.

In order to maintain a rejection under 35 U.S.C. §103(a), the prior art references cited by the Examiner require a motivation or suggestion to be combined or modified, coupled with a reasonable expectation of success. *See* Boehringer Ingelheim Vetmedica, Inc. v. Schering-Plough Corp., 320 F.3d 1339, 65 U.S.P.Q.2d 1961 (Fed. Cir. 2003) (citing Brown & Williamson Tobacco Corp. v. Philip Morris, Inc., 229 F.3d 1120, 1125-25, 56 U.S.P.Q.2d 1456, 1459 (Fed. Cir. 2000)). Because neither the *Mustonen* or *Hideki* references, alone or in combination, meet the conditions required to maintain the instant rejection under 35 U.S.C. §103(a), Applicants respectfully request the Examiner withdraw the instant rejection to claim 19.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 U.S.C. §102(b) and 35 U.S.C. §103(a). Early and favorable action in the case is respectfully requested.

Respectfully submitted,

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By

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